

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health and Addiction Services v.

Cathy Marie Klein, L.P.N.

Licensed Practical Nurse License No. 020340

6 River Valley Road

Columbia CT 06237

CASE PETITION NO. 931124-11-048

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated November 29, 1993.

The Statement of Charges alleged, in one (1) count, violations of certain provisions of Chapter 378 of the Connecticut General Statutes by Cathy Marie Klein (hereinafter the "Respondent").

Based on the allegations in the Statement of Charges the Board found that the continued nursing practice of the Respondent represented a clear and immediate danger to public health and safety.

The Board ordered the Summary Suspension of the Respondent's nursing license, and issued a Notice of Hearing dated December 8, 1993. (Department Exhibit 1) The hearing took place on January 13, 1994 in Room 2-B, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or have reviewed the record, and that this decision is based entirely on the record and his/her specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Cathy Marie Klein, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 020340 on May 13, 1983 and was at all times referred to in the Statement of Charges the holder of said license. (Department Exhibit 1)
2. The Respondent was aware of the time and location of the hearing. The Summary Suspension Order, Notice of Hearing and Statement of Charges were served on the Respondent by Deputy Sheriff. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, pp. 6-7)
3. The Respondent was present at the hearing but was not represented by counsel. (Hearing Transcript, January 13, 1994, pp. 2-3)
4. The Respondent provided a written and verbal Answer to the Statement of Charges. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, pp. 8-10)
5. That pursuant to a Memorandum of Decision dated June 10, 1987 the licensed practical nurse license of the Respondent was placed on probation for one (1) year, effective July 1, 1987, for diversion and abuse of the controlled substances Valium and Ativan and for failing to accurately, completely or properly make documentations in medical or hospital records while the Respondent was employed as a licensed practical nurse at Manchester Memorial Hospital, Manchester, Connecticut. (Department Exhibit 1)

6. That from on or about September 1989 to October 1993, while licensed as a licensed practical nurse, the Respondent worked as a nurse at Marlborough Health Care Center, Marlborough, Connecticut. (Department Exhibit 1) (Respondent Exhibit A) (Hearing Transcript, January 13, 1994, p. 8)
7. That from on or about June 1993 to October 1993, while employed as a licensed practical nurse at Marlborough Health Care Center, the Respondent diverted for her own use the controlled substances Darvocet and Tylenol with Codeine. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, p. 9)
8. That from on or about June 1993 to October 1993, while employed as a licensed practical nurse at Marlborough Health Care Center, the Respondent abused or utilized to excess the controlled substances Darvocet and Tylenol with Codeine which she had diverted. (Department Exhibit 1) (Respondent Exhibit A) (Hearing Transcript, January 13, 1994, p. 9)
9. That from on or about June 1993 to October 1993 while employed as a licensed practical nurse at Marlborough Health Care Center, the Respondent falsified controlled substance proof of use records by indicating that the controlled substances Darvocet and Tylenol with Codeine which she diverted to her own use had been administered to patients. (Department Exhibit 1) (Respondent Exhibit A) (Hearing Transcript, January 13, 1994, p. 9)
10. That the Respondent received chemical dependency treatment at Stonehaven Programs, Elmcrest Hospital, Portland, Connecticut from November 1, 1993 through November 21, 1993 (Respondent Exhibit A) which has been followed by an after care program. (Hearing Transcript, January 13, 1994, pp. 23-30)
11. The Respondent is of the opinion that she is not ready to resume the practice of nursing. (Hearing Transcript, January 13, 1994, p. 30)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Cathy Marie Klein held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing and Statement of Charges sufficiently provided information as mandated by Sections 4-177 and 4-182 of the Connecticut General Statutes. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as sections 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by section 4-182(c) of the Connecticut General Statutes.

The FIRST COUNT of the Statement of Charges alleges that between June and October 1993, while working as a licensed practical nurse at Marlborough Health Care, Marlborough, Connecticut, the Respondent:

- "a. diverted, to herself, Darvocet and Tylenol with Codeine from facility stocks...
- b. falsified one or more controlled substance receipt and/or patient administration records...
- c. abused and/or utilized to excess the controlled substances Darvocet and Tylenol with Codeine."

The Respondent admits to these charges. (Department Exhibit 1) (Hearing Transcript, January 13, 1994, pp. 8-10)

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the First Count is proven and that said conduct violates Section 20-99(b)(2), (5) and (6) of the General Statutes of Connecticut. Therefore, the Respondent is subject to disciplinary action pursuant to Section 19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders:

1. That for the First Count, the licensed practical nurse license, No. 020340, of the Respondent be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Chairperson of the Board of Examiners for Nursing.
3. That at any future time should the Respondent apply for reinstatement of her licensed practical nurse license in Connecticut, she must present evidence to the satisfaction of the Board, including but not limited to, that she has been alcohol and drug free; that she has engaged in counseling and therapy for substance abuse; and that she has actively participated in a 12-Step structured recovery program.

The Board of Examiners for Nursing hereby informs the Respondent, Cathy Marie Klein and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 30th day of March, 1994.

BOARD OF EXAMINERS FOR NURSING

By

Janice A. Thibodeau

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